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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/677,000  
Filing Date: October 01, 2003  
Appellant(s): DEHAMER ET AL.

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Allen Powell  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 01/22/2008 appealing from the Office action mailed 04/20/2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct.

- This is addressed to the Appellant's statement in, Second Ground of Rejection for Review on Appeal:

The Rejection of claims 22-24 under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter, is withdrawn.

- This is addressed to the Appellant's statement in, Third Ground of Rejection for Review on Appeal:

“... claims 1-3, 6-10, 13-17, 20-24 under 35 U.S.C. **102(b)** as being anticipated by Dan et al., (US Pat No. 6,560,639, hereinafter “the Dan reference””.

The prior art of record, US Pat. No. 6,560,639 B1, (effective filing date: 02/13/1998, Patent date: 05/06/2003) has been mistaken as being identified as 102(b) reference.

This change is for correcting the third ground of rejection due to an error has made during the prosecution. This error does not effect to the rejection based on the subject matters disclosed in the prior art of record. The changes are as follows:

“Claims 1-3, 6-10, 13-17, 20-24 are rejected under 35 U.S.C. **102(a)** as being anticipated by Dan et al., US Pat No. 6,560,639 B1”.

#### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

#### **(8) Evidence Relied Upon**

6,560,639 B1

Dan et al

5-2003

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

A. First Ground of Rejection:

Claims 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter is that, “**tangible machine readable medium**”. The specification does not disclose any **medium**.

B. Second Ground of Rejection:

The claims 22-24 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

The rejection is withdrawn.

C. Third Ground of Rejection:

Claims 1-3, 6-10, 13-17, 20-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Dan et al., US Pat No. 6,560,639 B1. (Emphasis added)

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Appellants' argued independent claims 1, 8, 15, and 22 in a group. Because Claims 1, 8, 15, and 22 are leading claims, it appears the claims 1-3, 6-10, 13-17, 20-24 stand or fall together.

The claims are rearranged based on Appellants' grouping:

As per Claim 1: Dan discloses, *A system* (See FIG. 2) of claim 1.

Regarding limitation:

*- a controller generator* (e.g. col. 2:54-67: 'web site management system') *that is adapted to provide an application with a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format* (See FIG. 2: Communication  $\leftrightarrow$  between User' Web Browser '10' and Web Server '20': See FIG. 3: particularly: figure features 'S10' and 'S20'); *and*

Regarding limitation:

*a layout manager generator* (e.g. FIG. 3: particularly: figure features 'S50' 'S60', 'S70') *that is adapted to provide a layout manager that formats a c-frame based on configuration information* (i.e. templates with attributes for rendering a web page like the one in FIG. 13) *and renders the c-frame*

(The daemons provide the user selection with templates (e.g. col. 20:3-67). The figure features 'S50' 'S60', 'S70' in FIG. 3 provide the Web user Browser 10, a webpage in the database to update a web site's directory hierarchy, webpage location, content and/or LOOK and FEEL based on template selection and the attributes edited by user (S10)).

For example, see FIG. 10 (and col. 17:20-35): a general layout of a C-frame '225', and attributes editable and modifiable for defining sizes and types of bar color, bar height..., areas 1, 2, ...8 (or See FIG. 14).

Web server with front end and backend daemon will provide a user with templates (claim: *configuration information*) through the site and allows the user to select the templates (See. col. 20:3-67), With the user's attributes connected with FIG. 3 (and col. 12:12-34), the user will use the templates; the templates render C-Frames like the C-frame in Figure 13, where attributes in the templates govern the LOOK and FEEL of a web page (e.g. col. 20:3-67)) **as part of the information sent to the user in response to the request** (i.e. the templates that render the display of a web page);

Regarding limitation:

**- wherein the configuration information corresponds to a plurality of portals**

(For "a portal": refer to "Netscape: Administration Homepage" (e.g. FIG. 10), "Web Site" (col. 9: line 61 → col. 10: line 9). For example: FIG. 1: "User's Web Browser" 10 in a computer 900, which links to a Netscape homepage, where a web browser might be a Netscape Navigator Browser or Microsoft Internet Explore Browser (col. 10: lines 59-62).

For a plurality of portals: refer to col. 9:45-55

For clarity, it may be useful at the outset to define certain terms used herein. An internet includes a computer network, wherein a user at one computer can, with permission from another computer, get information residing on the other computer. For example, the computer network optionally includes interconnected servers, each server serving one or more computers or computer networks. These interconnected servers facilitate the creation of a network of computer networks, the basis of the most famous internet, the Internet. (emphasis added)

and refer to col. 10: lines 59-62:

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The web management system 30 may optionally operate with, for example, Netscape Navigator and/or Microsoft Internet Explorer pull-down menus, related links, and/or object navigation. (emphasis added).

Regarding limitation:

***- and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals***

Refer to Look and feel (FIG. 3 'S60') and refer to "Netscape Navigator and/or Microsoft Internet Explorer pull-down menus" and col. 20:35-42:

The instant web management system 30 allows users to select from standard templates or optionally to customize available templates to maintain the individuality of the web site's look, feel and function through the use of objects, defined above, that may be unique to the web site. The objects may be written into a template in a transparent way. The user may create a template with relative ease and embed web management objects in them, as necessary. (emphasis added: i.e. "*adapted to produce a different c-frame*" is depending on the user selection, based on attributes).

As per Claims 2-3, 6-7: The Claims are dependent on Claim 1. Based on Appellants' appeal and arguments in the group of Claims 1, 8, 15, and 22, the rejection of claims 2-7 is in the same reason as in the rejection of Claim 1 above.

As per Claims 8-10, 13-14, and 15-17, 20-24: Based on Appellants' appeal and arguments in the group of Claims 1, 8, 15, and 22, the rejection of claims 8-10, 13-14, and 15-17, 20-21, and 22-24 is in the same reason as in the rejection of Claim 1 above.

#### **(10) Response to Argument**

##### **A. Response to Appellants' arguments to First Ground of Rejection:**

Appellants argued that Claims 22-24 comply with 35 USC 112, first paragraph (brief: p.



17). Appellants depict a WPA 100, and state the skilled in the art would appreciate “a tangible readable medium may core as those skilled in the art would appreciate, a tangible machine readable medium may correspond to one of many components forming the above processor-based device on which WPA 100 is executed.

Examiner response:

As provided in the Appellants summary of the Claims 22-24, Appellants do not define any “medium” in the specification, but a mere assertion as WPA “100”. Therefore, the rejection is proper and is maintained.

B. Response to Appellants’ arguments to Second Ground of Rejection:

This rejection is withdrawn.

C. Response to Appellants’ arguments to Third Ground of Rejection:

Appellants highlighted in the feature “a Plurality of portals” and “a different c-frame”.

(i) Appellants argued that Dan US. Pat. 6,560,639 does not disclose “a plurality of portal”. Appellant depicted the definitions of “portal” and “web page” from Microsoft Computer Dictionary, and it appears Appellants referred “web page” as of the Examiner’s interpretation for portal. Appellants alleged that Dan reference does not disclose portal and Dan reference does not contain even a single occurrence of the word “portal”.

(ii) Appellants argued that even if Dan reference discloses portals, the reference cannot anticipate claimed layout manager adapted to produce a different c-frame to in response to requests via each of the plurality of portals. Appellants (Brief: p. 29) depict a paragraph (Dan: col. 17, lines 59-64) and argued all Dan's requests are treat equally as being provided with similar choices of prestored layout.

Examiner response to the arguments (i) and (ii):

(i) In response to the argument that Dan does not disclose "a plurality of portal".

Examiner strongly disagrees. The Appellants' argument fails to clearly point out the patentability, required under 37 CFR 1.111(c) as replying to an office action, and 41.37(c)(1)(vii).

The argument is a mere assertion for that Dan does not disclose "a plurality of portal", solely depending on a the language "portal" that is not in the reference, and/or solely depending on only an exemplary view of one appearance of User's Web browser 10 in Dan's drawings.

In the argument (p.27), Appellants depict the definitions of Portal and Web Page. The information provided in the Brief (p.27):

"in the Final Office Action, the Examiner interpreted Web page, HTML code and the like as claimed portals. *See* Office Action, page 6. Specifically, in an Office Action mailed on November 3, 2006 (page 5), the Examiner states: 'HTML code per se that provides to connection to a service'".

Which it appears is not related to claim language. It should be noted Appellants is appealing from the final Office action mailed 04/20/2007.

Furthermore, it should be noted that in the final office action, the Examiner's interpretation for portal is as "Web site" or "Netscape: Administration Homepage". It should be noted that "web page" is the appearance of an URL on a browser, and it might be from the Web site or as the result "C-Frame" based on attributes provided by the user in connection with the website and Server's Daemons.

By depicting the word "portal" and "web page" on the Microsoft computer dictionary, it appears Appellants never consider "User's Web Browser" and "Web Site" discussed in the Dan's reference. It should be noted that in the specification it directs a plurality of portals as referring to the view in FIG. 4: "Browser 310" and "Browser 312", and the links of the Web server 302 to the browsers.

Dan reference User's Web browser, which might be a Netscape Navigator and/or Microsoft Internet Explorer displays a website "Netscape: Administration Homepage" from web server 20. This meets the description of portal as in the Appellants' specification; specifically, it is the same as Appellants' FIG. 4, a browser as a portal connecting to the Web Server 302.

Moreover, it is customary for a reference to present a description in an exemplary view as a single browser (e.g. col. 10: 10-33). Therefore, the appearance of the browser "User's Web Browser" is applicable any computer and any type of browsers.

From the definition of portal, many well-known web sites such as Yahoo, Microsoft, Netscape, are portals. Thus, Dan discloses "portal" (compared to: the specification, FIG. 4 and Dan's FIG.2). Dan's User's Web Browser 10 displays a website (col.9, line 56 → col. 10, line 9)

such as “Netscape: Administration Home page” (FIG. 10), and Dan also discloses a plurality of portals:

Co. 9:45-55:

For clarity, it may be useful at the outset to define certain terms used herein. An internet includes a computer network, wherein a user at one computer can, with permission from another computer, get information residing on the other computer. For example, the computer network optionally includes interconnected servers, each server serving one or more computers or computer networks. These interconnected servers facilitate the creation of a network of computer networks, the basis of the most famous internet, the Internet. (emphasis added)

Col 10: lines 59-62:

The web management system 30 may optionally operate with, for example, Netscape Navigator and/or Microsoft Internet Explorer pull-down menus, related links, and/or object navigation. (emphasis added).

In Appeal Brief (Page 28: 4-20): Appellants is again to assert with this information which is not related to the claims.

“(See, Final Office Action and Office Action mail on November, 3, 2006, p.5)”.

It should be also noted that, Appellants’ appeal brief is appealing from the final Office action mailed 04/20/2007.

(ii) In response to the argument that Dan reference cannot anticipate claimed layout manager adapted to produce a different c-frame to in response to requests via each of the plurality of portals.

Examiner disagrees. It should be noted that there is no detailed description in the Appellants’ specification for “different c-frame”. However, it appears the specification equates “different c-frame” as the layout information provided in configuration files. The different c-frame is as a display on each browser 310 or 320, with look and feel. Furthermore, a

configuration file appears being a control tag file specified in a template presented to a web Browser.

Dan reference discloses the same. Yes, Dan's configuration files are the templates with HTML tags for controlling the web page layout (See col. 20: 25-31). Dan clearly addresses about XML tags or VRML tags as being incorporated for its rendering system (web browser) in the future technology. The layout of Web pages (Fig. 13: C-frame) is controlled by tags' attributes in a template, where with different attributes will render different c-frame. Dan computers' browser provides a selection of different templates (i.e. "*configuration files*"), a customize template, as well as the user's providing attributes. Because Dan addresses the web sever is connected to one or more computers (col. 9:50-55), the web server 20 thus performs the service for one or more user's web browsers. There must be a user A using a browser (col. 10:60-62: "Netscape Navigator") and there must be a user B using another browser (col. 10:60-62: "Microsoft Internet Explore"). Even being a different browser, each browser can display a Netscape home page, Yahoo home page, etc, in his computer. In this subject matter, every browser can use the service of the web server 20 to request a rendering template of a c-frame such as in Dan's FIG. 13. Accordingly, the c-frame in Figure 13 is different based on tag attributes browsed in the user's computer A or the user's computer B.

Refer to the claim, it merely recites as "claimed layout manager adapted to produce a different c-frame in response to requests via each of the plurality of portals". It appears that the service in this claimed feature is the same as the service provided as requesting of Dan's user web browsers to the web server 20 on the Examiner analysis above. It should be noted that the

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Appellants' depiction of Dan's portion, col. 17, lines 59-64 which is not the Dan's teaching as a whole.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

TTV

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